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19072-00102-MGB

MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

BY: Michael G. Brennan, Esquire

200 Lake Drive East

Suite 300

Cherry Hill, NJ 08002

856-414-6000

Attorney for Defendant(s), Dorel Juvenile Group, Inc. Coscos, Inc. and Target Corp.

MELISSA M. VIETS and RUSSELL S.

VIETS, Individually and as Administrator ad

Prosequendum of infant, Jacqueline Nicole

Viets

Plaintiff(s),

vs.

DOREL JUVENILE GROUP, INC., a body
corporate; COSCOS, INC., a body corporate;
TARGET CORP., a body corporate; and
JOHN DOE (1-10), ABC CORP. (1-10),
(presently fictitious and unknown)

Defendant(s).

CIVIL ACTION

CIVIL ACTION NO.:

06-3878(MLC)

NOTICE OF FILING

TO: Clerk
United States District Court for
the District of New Jersey
U.S. Courthouse
402 E. State Street
Trenton, NJ 08608

Theodore Fetter, Clerk
Superior Court of New Jersey
Law Division, Hughes Justice Complex
25 W. Market Street, CN 971
Trenton, NJ 08625

Office of the Clerk
Civil Part, Law Division
Ocean County Superior Court
118 Washington Street
P.O. Box 2191
Toms Rivers, NJ 08754

Michael E. Wilbert, Esquire
2640 Highway #70
Suite 1A
Manasquan, NJ 08736
Attorneys for Plaintiffs

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1446(a) Defendant, Dorel Juvenile Group, Inc., filed a Notice of Removal of this action from the Superior Court of New Jersey, Law Division, Ocean County, Docket No. OCN-L-2122-06 to the United States District Court for the District of New Jersey (a copy of the Notice of Removal is attached hereto) on August 16, 2006, to the United States District Court for the District of New Jersey, Trenton Vicinage.

Respectfully submitted,

**MARSHAL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

/s/ Michael G. Brennan
MICHAEL G. BRENNAN, ESQUIRE
Attorney for Defendant

DATED: August 16, 2006

19072-00102-MGB

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MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

BY: Michael G. Brennan, Esquire

200 Lake Drive East

Suite 300

Cherry Hill, NJ 08002

856-414-6000

Attorney for Defendant(s), Dorel Juvenile Group, Inc. Coscos, Inc. and Target Corp.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON DIVISION

MELISSA M. VIETS and RUSSELL S.
VIETS, Individually and as Administrator ad
Prosequendum of infant, Jacqueline Nicole
Viets,

Plaintiff(s),

vs.

DOREL JUVENILE GROUP, INC., a body
corporate; COSCOS, INC., a body corporate;
TARGET CORP., a body corporate; and
JOHN DOE (1-10), ABC CORP. (1-10),
(presently fictitious and unknown)

Defendant(s).

CIVIL ACTION NO:

NOTICE OF REMOVAL

The defendant, Dorel Juvenile Group, Inc. ("D.J.G."), by its undersigned attorneys,
Marshall, Dennehey, Warner, Coleman & Goggin, LLP, submit this Notice of Removal from the
Superior Court of New Jersey, Law Division, Ocean County, in which the above-captioned
action is now pending to the United States District Court for the District of New Jersey, Trenton
Division. In support of this Notice, D.J.G. states as follows:

BACKGROUND

1. On June 29, 2006, Plaintiffs filed their Complaint in the Superior Court of New Jersey, Law Division, Ocean County. The State Court action is docketed as Melissa M. Viets and Russell S. Viets, individually and as Administrator ad Prosequendum of infant, Jacqueline Nicole Viets vs. Doral Juvenile Group, Inc., Coscos, Inc., and Target Corporation, et al, Docket No.: OCN-L-2122-06. The Complaint was served upon DJG on or about July 21, 2006. (A true and correct copy of the Complaint and accompanying Summons is attached hereto as Exhibit "A".)

2. Plaintiffs allege that on or about July 2, 2004, the infant decedent, Jacqueline Nicole Viets, while traveling in the rear passenger seat of a vehicle, was involved in a motor vehicle accident. (See Complaint at Second Count, paragraph 4.) Plaintiffs allege that at the time of the accident, Jacqueline Nicole Viets was riding in an infant safety seat which was designed, manufactured, installed, altered, assembled, sold, distributed, marketed, inspected and tested by DJG. Plaintiffs allege that the seat was defective and such defect caused Jacqueline Nicole Viets to experience pain/suffering and death. (See Complaint at Sixth Count, paragraph 5.)

3. Plaintiffs' Complaint asserts claims for negligence against the operator of the other vehicle involved in the accident, Leonard D. Vanderwiele (First Count); a claim for Wrongful Death and Survival against Vanderwiele (Second Count); A claim for loss of services and emotional distress caused by the injuries sustained by Melissa M. Viets and the death of Jacqueline Nicole Viets against Vanderwiele (Third Count); A claim for negligent infliction of emotional distress by Plaintiffs, Russell Viets and Melissa M. Viets (Fourth Count and Fifth

Count); Strict liability against DJG (Sixth Count); Breach of express warranty against DJG (Seventh Count); Breach of implied warranty of merchantability against DJG (Eighth Count); Breach of implied warranty of fitness for a particular purpose against Dorel (Ninth Count); Gross negligence with a claim for punitive damages against DJG (Tenth Count); Strict Liability against Coscos; (Eleventh Count); Breach of express warranty by Coscos (Twelfth Count); Breach of implied warranty of merchantability against Coscos (Thirteenth Count); Breach of implied warranty of fitness for a particular purpose against Coscos (Fourteenth Count); Gross negligence and punitive damages against Coscos (Fifteenth Count); Strict Liability against Target (Sixteenth Count); Breach of express warranty against Target (Seventeenth Count); Breach of implied warranty of merchantability against Target (Eighteenth Count); Breach of implied warranty of fitness for a particular purpose against Target (Nineteenth Count); Gross negligence and punitive damages against Target (Twentieth Count). Plaintiffs seek various forms of relief including compensatory and punitive damages, interest, costs of suit and attorney's fee. (See Complaint at wherefore clause.)

THE PARTIES

4. According to the Complaint, Plaintiffs, Melissa M. Viets and Russell S. Viets, individually and as Administrator ad Prosequendum of infant, Jacqueline Nicole Viets, are residents of New Jersey. They currently reside at 142 Mount Vernon Road, Township of Berkeley, County of Ocean, State of New Jersey.

5. Defendant, DJG is a company incorporated under the laws of the State of Massachusetts with its principal place of business located at 2525 State Street, Columbus, Indiana 47201. Thus, DJG is a citizen of Massachusetts and Indiana for diversity purposes.

6. Cosco, Inc., (misnamed Coscos, Inc. in the Complaint) is a predecessor of DJG pursuant to a corporate merger which occurred in 2001. As a result of the merger Cosco, Inc., no longer exists as a separate corporate entity and, therefore, has no citizenship for diversity purposes and is not a proper party in this matter.

7. Defendant, Target, Inc., is a company incorporated under the laws of the State of Minnesota with its principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota, 55403. Thus, Target is a citizen of Minnesota for diversity purposes.

JURISDICTION

8. This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. §1332. This is a civil action between citizens of different States. Further, though plaintiff has not alleged a specific amount of damages, given the causes of action and damages alleged in the Complaint including compensatory damages and punitive damages, the amount in controversy will exceed the sum or value of \$75,000.00, exclusive of interest or costs.

9. A specific amount claimed in excess of \$75,000.00 is not required for this Court to have subject matter jurisdiction. Various courts have found diversity jurisdiction where there has been some uncertainty as to the value of the claim. The amount of the claim need not be proven; rather, the amount is judged from the face of the Complaint and is generally established by a good faith allegation. Golden v. Golden, 382 F.3d 348 (3d Cir. 2004); Jumara v. State Farm Ins. Co., 553 F.3d 873, 877 (3d Cir. 1995).

10. The allegations in the Complaint indicate that the amount in controversy will exceed \$75,000.00. The Complaint alleges that Plaintiff, Melissa M. Viets, suffered injuries

which have disabled her since the accident and into the future. (First Count). In addition, the Complaint alleges a Count for wrongful death and survival (Second Count). The Plaintiff has made claims for loss of services and medical expenses (Third Count). In addition, Plaintiffs have made claims for compensatory damages, punitive damages, attorney's fees and costs including a claim for gross negligence against all defendants (Tenth Count, Fifteenth Count and Twentieth Count). The Third Circuit has stated that "...a request for punitive damages will generally satisfy the amount in controversy requirement because it cannot be stated to a legal certainty that the value of the plaintiff's claim is below the statutory minimum". Golden, at 382 F.3d 348, 355. These allegations demonstrate a reasonable probability that the amount in controversy will exceed \$75,000.00.

BASIS FOR REMOVAL

11. This Court has subject matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. §1332. Venue is proper pursuant to 28 U.S.C. §1441(a) as this is the Federal District Court for the District embracing the place where the State Court suit is pending.

12. This Notice of Removal is being filed within thirty (30) days of DJG's receipt of the Complaint as required by 28 U.S.C. §1446(b).

13. Written notice of the filing of this Notice of Removal will be provided to Plaintiff. A copy of this Notice will be filed in the appropriate State Court as required by 28 U.S.C. §1446(d).

WHEREFORE, Notice is given that this action is removed from the Superior Court of New Jersey, Law Division, Ocean County, to the United States District Court for the District of New Jersey, Trenton Division.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN,**

BY: /s/Michael G. Brennan
MICHAEL G. BRENNAN, ESQUIRE
Attorneys for Defendant, Dorel Juvenile
Group, Inc.

DATED: August 16, 2006

19072-00102-MGB

\\06_A\LIAB\MGBRENNAN\LLPG\903399\JMARTIN\19072\00102

MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

BY: Michael G. Brennan, Esquire

200 Lake Drive East

Suite 300

Cherry Hill, NJ 08002

856-414-6000

Attorney for Defendant(s), Dorel Juvenile Group, Inc. Coscos, Inc. and Target Corp.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON DIVISION

MELISSA M. VIETS and RUSSELL S.
VIETS, Individually and as Administrator ad
Prosequendum of infant, Jacqueline Nicole
Viets,

Plaintiff(s),

vs.

DOREL JUVENILE GROUP, INC., a body
corporate; COSCOS, INC., a body corporate;
TARGET CORP., a body corporate; and
JOHN DOE (1-10), ABC CORP. (1-10),
(presently fictitious and unknown)

Defendant(s).

CIVIL ACTION

CIVIL ACTION NO:

CERTIFICATE OF FILING/SERVICE

The original and four (4) hard copies, as well as PDF disk, of the within Notice of
Removal has been filed via hand delivery by Road Runner Courier Service with the United
States District Court for the District of New Jersey, Trenton Vicinage.

MARSHAL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

/s/ Michael G. Brennan
MICHAEL G. BRENNAN, ESQUIRE

DATED: August 16, 2006

PROOF OF SERVICE

On August 16, 2006, I, the undersigned, served the within Notice of Filing and Notice of Removal via hand delivery by Road Runner Courier Service to:

Theodore Fetter, Clerk
Superior Court of New Jersey
Hughes Justice Complex
25 W. Market Street, CN 971
Trenton, NJ 08625

Office of the Clerk
Civil Part, Law Division
Ocean County Superior Court
Courthouse
118 Washington Street
P.O. Box 2191
Toms Rivers, NJ 08754

Michael E. Wilbert, Esquire
2640 Highway #70
Suite 1A
Manasquan, NJ 08736

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statement made by me are willfully false, I am subject to punishment.

MARSHAL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

/s/ Michael G. Brennan
MICHAEL G. BRENNAN, ESQUIRE

DATED: August 16, 2006

EXHIBIT "A"

MICHAEL E. WILBERT, ESQ.
2640 Highway #70
Building 1A
Manasquan, NJ 08736
(732) 528-8000
Attorney for Plaintiffs

MELISSA M. VIETS and RUSSELL S.
VIETS, Individually and as
Administrator ad Prosequendum
of infant, Jacqueline Nicole
Viets,

Plaintiffs,

vs.

DOREL JUVENILE GROUP, INC., a
body corporate; COSCOS, INC., a
body corporate; TARGET CORP., a
body corporate; and JOHN DOE
(1-10), ABC CORP. (1-10),
(presently fictitious and
unknown),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO. OCN-2122-06

CIVIL ACTION

SUMMONS

The State of New Jersey, to Defendant:

DOREL JUVENILE GROUP, INC.


The plaintiffs named above, have filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior

Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a complete Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion with 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

DATED: 7/18/06


DONALD F. PHELAN, CLERK
SUPERIOR COURT OF NEW JERSEY

Name of Defendant to be served: DOREL JUVENILE GROUP, INC.
Address of Defendant to be Served: c/o CORPORATION SERVICE
COMPANY, 830 BEAR TAVERN ROAD, WEST TRENTON, NJ 08628

*\$105.00 FOR CHANCERY DIVISION CASES OR \$110.00 FOR LAW DIVISION
CASES

ATLANTIC COUNTY: Deputy Clerk of the Superior Court Civil Division, Direct Filing Atlantic County Civil Court Building, First Floor 1201 Backus Road Atlantic City, NJ 08401 (609) 345-6700 LAWYER REFERRAL (609) 345-3444 LEGAL SERVICES (609) 345-4200	CUMBERLAND COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Cumberland County Courthouse Broad & Fayette Streets Bridgeton, NJ 08302 (856) 451-8000 LAWYER REFERRAL (856) 692-4207 LEGAL SERVICES (856) 451-0003	MERCER COUNTY: Deputy Clerk of the Superior Court Local Filing Office Mercer County Courthouse 175 South Broad Street Trenton, NJ 08650 (609) 278-7986 LAWYER REFERRAL (609) 345-6200 LEGAL SERVICES (609) 695-6249	SALEM COUNTY: Deputy Clerk of the Superior Court Salem County Courthouse 92 Market Street Salem, NJ 08079 (856) 975-7510 LAWYER REFERRAL (856) 975-5628 LEGAL SERVICES (856) 451-0003
BERGEN COUNTY: Deputy Clerk of the Superior Court Case Processing Section, Room 119 Bergen County Justice Center 19 Main Street Hackensack, NJ 07601-0769 (201) 646-2000 LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166	ESSEX COUNTY: Deputy Clerk of the Superior Court Essex County Courts Building 50 West Market Street, Room 131 Newark, NJ 07102 (973) 683-3700 LAWYER REFERRAL (973) 622-6207 LEGAL SERVICES (973) 624-4500	MIDDLESEX COUNTY: Deputy Clerk of the Superior Court Middlesex Administration Building, 1 st Floor 1 Kennedy Square New Brunswick, NJ 08903-2633 (732) 961-3200 LAWYER REFERRAL (732) 628-0031 LEGAL SERVICES (732) 249-7600	SOMERSET COUNTY: Deputy Clerk of the Superior Court Civil Division Office Somerset County New Courthouse, 1 st Floor 20 North Bridge Street Somerville, NJ 08876-1262 (908) 231-7000 LAWYER REFERRAL (908) 683-2323 LEGAL SERVICES (908) 231-8840
BURLINGTON COUNTY: Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake Burlington County Court Facility, First Floor 49 Raincoast Road Mount Holly, NJ 08060 (609) 518-2500 LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (609) 261-1088	GLOUCESTER COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Attn: Intake Gloucester County Courthouse 1 North Broad Street Woodbury, NJ 08096 (856) 853-3200 LAWYER REFERRAL (856) 848-4389 LEGAL SERVICES (856) 848-6360	MONMOUTH COUNTY: Deputy Clerk of the Superior Court Monmouth County Courthouse 71 Mountaint Park Freehold, NJ 07728-7633 (732) 431-7872 LAWYER REFERRAL (732) 431-5544 LEGAL SERVICES (732) 266-0020	SUSSEX COUNTY: Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 (973) 579-0675 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 383-7400
CAMDEN COUNTY: Deputy Clerk of the Superior Court Camden County Hall of Records, First Floor 101 South Fifth Street Camden, NJ 08103 (856) 225-5000 LAWYER REFERRAL (856) 964-4520 LEGAL SERVICES (856) 964-2010	HUDSON COUNTY: Deputy Clerk of the Superior Court Civil Records Dept. Breunert Courthouse, First Floor 583 Newark Avenue Jersey City, NJ 07306 (201) 792-6000 LAWYER REFERRAL (201) 790-2727 LEGAL SERVICES (201) 792-6363	MORRIS COUNTY: Deputy Clerk of the Superior Court Civil Division Morris County Courthouse Washington & Court Streets P.O. Box 910 Morristown, NJ 07960-0910 (973) 285-6400 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 285-6911	UNION COUNTY: Deputy Clerk of the Superior Court Union County Courthouse 2 Broad Street, First Floor Elizabeth, NJ 07201-6073 (908) 459-4100 LAWYER REFERRAL (908) 353-4715 LEGAL SERVICES (908) 354-4340
CAPE MAY COUNTY: Deputy Clerk of the Superior Court Cape May County Courthouse 9 North Main Street Cape May Court House, NJ 08210 (609) 465-1000 LAWYER REFERRAL (609) 463-8313 LEGAL SERVICES (609) 465-3001	HUNTERDON COUNTY: Deputy Clerk of the Superior Court Civil Division Hunterdon County Courthouse 65 Park Avenue Flemington, NJ 08822 (908) 788-1589 LAWYER REFERRAL (908) 733-2641 LEGAL SERVICES (908) 782-7979	OCEAN COUNTY: Deputy Clerk of the Superior Court Ocean County Courthouse 118 Washington Street Room 119 Toms River, NJ 08754 (732) 244-2121 LAWYER REFERRAL (732) 240-3668 LEGAL SERVICES (732) 341-7727	WARREN COUNTY: Deputy Clerk of the Superior Court Civil Division Office Warren County Courthouse Second & Hardwick Streets Belvidere, NJ 07823-1500 (908) 475-6161 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (908) 475-2010
		PASSAIC COUNTY: Deputy Clerk of the Superior Court Civil Division Passaic County Court House 77 Hamilton Street Paterson, NJ 07653 (973) 247-3000 LAWYER REFERRAL (973) 278-9223 LEGAL SERVICES (973) 345-7171	

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754
COURT TELEPHONE NO. (732) 923-2014
COURT ROUTES

TRACK ASSIGNMENT NOTICE

DATE: JULY 12, 2006
RE: VINTS VS CORREL JUVENILE GROUP INC
DOCKET: OCN L -080122 06

THIS ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 100 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE OR THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON JOSEPH L. POSTER








IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (732) 923-6772.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 10 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:54-2.

ATTENTION:

ATT. MICHAEL E. WILBERT
MICHAEL E. WILBERT
2640 HIGHWAY 71
SUITE 1A
MANASSAS NJ 08736

JUVENILE

 CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY																					
<p>Use for initial Law Division – Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">PAYMENT TYPE:</td> <td style="width: 10%; text-align: center;">CK</td> <td style="width: 10%; text-align: center;">CC</td> <td style="width: 20%; text-align: center;">CA</td> </tr> <tr> <td colspan="4">CHK/CK NO.:</td> </tr> <tr> <td colspan="4">AMOUNT:</td> </tr> <tr> <td colspan="4">OVERPAYMENT:</td> </tr> <tr> <td colspan="4">BATCH NUMBER:</td> </tr> </table>		PAYMENT TYPE:	CK	CC	CA	CHK/CK NO.:				AMOUNT:				OVERPAYMENT:				BATCH NUMBER:			
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DO YOU ANTICIPATE ADDING ANY PARTIES (suing out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN																						
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SIDE 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY
- 502 BOOK ACCOUNT
- 503 COMMERCIAL TRANSACTION
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 599 CONTRACT
- 601 SUMMARY ACTION

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

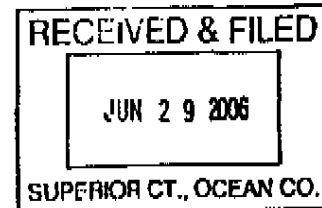
- 156 ENVIRONMENTAL COVERAGE LITIGATION
- 234 FRT PLYWOOD LITIGATION
- 245 ACTIONS UNDER FEDERAL Y2K ACT
- 303 MT. LAUREL
- 506 COMPLEX COMMERCIAL
- 613 REPETITIVE STRESS SYNDROME
- 701 ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

- 240 DIET DRUG
- 241 TOBACCO
- 243 LATEX
- 246 REZULIN
- 601 ASBESTOS
- 611 BREAST IMPLANT CASES
- 612 BLOOD-CLOTTING SERUM

999 OTHER (Briefly describe nature of action) _____

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1 in the space under "Case Characteristics."



MICHAEL R. WILBERT, ESQ.
2640 Highway #70
Suite 1A
Manasquan, NJ 08736
(732) 528-8000
Attorney for Plaintiffs

MELISSA M. VIETS and RUSSELL S.
VIETS, Individually and as
Administrator ad Prosequendum
of infant, Jacqueline Nicole
Viets,

Plaintiffs,

vs.

DOREL JUVENILE GROUP, INC., a
body corporate; COSCOS, INC., a
body corporate; TARGET CORP., a
body corporate; and JOHN DOE
(1-10), ABC CORP. (1-10),
(presently fictitious and
unknown)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO. *06CN 2122-06*

CIVIL ACTION

COMPLAINT AND DEMAND FOR JURY

Plaintiffs, Melissa M. Viets and Russell S. Viets,
Individually, and as Administrator ad Prosequendum of infant,
Jacqueline Nicole Viets, residing at 142 Mt. Vernon Road, in the
Township of Berkeley, County of Ocean and State of New Jersey,
by way of Complaint against the defendants, say:

FIRST COUNT

1. On or about July 2, 2004, plaintiff, Melissa M. Viets, was the operator of a motor vehicle owned by plaintiff, Russell S. Viets, which was being driven by her in a westerly direction on Serpentine Drive, in the Township of Berkeley, County of Ocean and State of New Jersey.

2. At the same time and place aforesaid, Leonard D. Vanderwiele, was the owner and operator of a motor vehicle which was being driven by him in an easterly direction on Serpentine Drive, in the Township of Berkeley, County of Ocean and State of New Jersey.

3. Vanderwiele was careless, reckless and negligent in the operation of his motor vehicle so as to cause it to collide with the vehicle operated by plaintiff, Melissa M. Viets.

4. As a direct and proximate result of the carelessness, recklessness and negligence of Vanderwiele, plaintiff, Melissa M. Viets, was injured, has incurred and in the future will incur expenses for the treatment of her injuries, has been disabled and in the future will be disabled and not able to perform her usual functions, and has and in the future will continue to be caused great pain and suffering, to her great loss and damage.

5. Default judgment was entered against Leonard D. Vanderwiele, on August 24, 2005 and Orders for Judgment were entered on October 14, 2005 and December 20, 2005.

WHEREFORE, plaintiff, Melissa M. Viets, demands judgment against the defendants, Dorel Juvenile Group, Inc., a body corporate; Coscos, Inc., a body corporate; and Target Corp., a body corporate, for damages, together with interest and costs of suit.

SECOND COUNT

1. Plaintiffs repeat the allegations contained in the First Count of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. Plaintiff, Russell S. Viets, is the father of the deceased infant, Jacqueline Nicole Viets, and on January 11, 2005, the Surrogate's Office of Ocean County, New Jersey, appointed plaintiff, Russell S. Viets, as Administrator ad Prosequendum of the estate of his said infant daughter.

3. At the time and place aforesaid, the deceased infant was a passenger in the motor vehicle being operated by plaintiff, Melissa M. Viets.

4. As a direct and proximate result of the carelessness, recklessness and negligence of Leonard D. Vanderwiele in the operation of his motor vehicle, plaintiff's decedent, Jacqueline

Nicole Viets, sustained bodily injuries, which subsequently caused her death.

5. Plaintiff was liable for and has paid for certain hospital, medical, funeral and burial expenses and charges for the infant decedent.

6. The infant decedent, Jacqueline Nicole Viets, left surviving her, her mother and father, plaintiffs, Melissa M. Viets and Russell S. Viets, at the time of her demise, and by reason of the wrongful death of plaintiff's decedent, decedent's survivors have suffered pecuniary losses.

7. There is, and at the time of the accident hereinafter set forth, there was in force and effect in the State of New Jersey a death statute known and designated as N.J.S.A. 2A:31-1 through 6, and plaintiff brings this action pursuant to provisions thereof for the benefit of the next of kin of decedent.

8. This action is commenced within two years of the happening of the accident and death of decedent.

WHEREFORE, plaintiff, Russell S. Viets, as Administrator ad Prosequendum of the infant decedent, Jacqueline Nicole Viets, demands damages against the defendants, Dorel Juvenile Group, Inc., a body corporate; Coscos, Inc., a body corporate; and Target Corp., a body corporate, for such sum as would reasonably

and properly compensate him in accordance with the laws of the State of New Jersey, together with interest and costs of suit.

THIRD COUNT

1. Plaintiffs repeat the allegations contained in the First and Second Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. At all times set forth herein, plaintiff, Russell S. Viets, was the husband of plaintiff, Melissa M. Viets, and the father of the infant decedent, Jacqueline Nicole Viets, and as such was responsible for their debts and entitled to their comfort, services and companionship.

3. As a direct and proximate result of the carelessness, recklessness and negligence of Leonard D. Vanderwiele in the operation of his motor vehicle, plaintiff, Russell S. Viets, was caused to suffer pain, suffering, loss of companionship, emotional distress and injury which injuries culminated in the death of his infant child.

4. Further, by reason of the negligence of Vanderwiele, plaintiff has been caused great expense, loss and trouble; plaintiff has been deprived of the services and society of his said wife; the ability of his said wife to render services and assistance to plaintiff has been impaired and depreciated, and will be so impaired and depreciated for a long time to come;

plaintiff has necessarily incurred expenses for medical attendance in attempting to cure the said Melissa M. Viets of her said injuries and it will be necessary for plaintiff to incur further expenses, all to plaintiff's damage.

WHEREFORE, plaintiff, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demands judgment against the defendants, Dorel Juvenile Group, Inc., a body corporate; Coscos, Inc., a body corporate; and Target Corp., a body corporate, for damages, together with interest and costs of suit.

FOURTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Third Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. Plaintiff, Russell S. Viets, was summoned to the scene of the accident immediately after the occurrence on the date in question. He arrived on the scene while his wife, Melissa M. Viets, was being attended to by roadside personnel, and he became extremely concerned about the welfare of his wife. He also immediately observed the obvious pain and suffering that his infant child, Jacqueline Nicole Viets, was undergoing.

3. Observation of both of these loved ones and family members severely traumatized plaintiff, Russell S. Viets, and he

has suffered emotional trauma and severe pain and suffering as a result of these observations. Plaintiff stayed on the scene until both of the injured parties were removed and was attendant at the hospital and at the declaration of death of his infant daughter.

WHEREFORE, plaintiff, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demands judgment against the defendants, Dorel Juvenile Group, Inc., a body corporate; Coscos, Inc., a body corporate; and Target Corp., a body corporate, for damages, together with interest and costs of suit.

FIFTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Fourth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. At the time and place aforesaid, plaintiff, Melissa M. Viets, was aware of and observed the obvious pain and suffering that her infant child, Jacqueline Nicole Viets, was undergoing. Observation of the plaintiff's infant daughter severely traumatized plaintiff, Melissa M. Viets, and she has suffered emotional trauma and severe pain and suffering as a result of these observations.

WHEREFORE, plaintiff, Melissa M. Viets, demands judgment against the defendants, Dorel Juvenile Group, Inc., a body corporate; Coscos, Inc., a body corporate; and Target Corp., a body corporate, for damages, together with interest and costs of suit.

SIXTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Fifth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. Defendant, Dorel Juvenile Group, Inc., a body corporate, (hereinafter "Dorel"), designed, manufactured, installed, altered, assembled, sold, distributed, marketed, inspected and tested the infant safety seat in which the deceased infant was sitting at the time and place of the accident aforesaid.

3. By virtue of the facts and circumstances surrounding the design, manufacture, installation, assembly, sale, distribution, marketing, inspection, testing, caring for, maintenance, lack of warning and/or repair of said infant safety seat, defendant, Dorel, is strictly liable in tort as the product(s) causing the harm was/were not reasonably fit, suitable or safe for its/their intended purpose(s).

4. Said infant safety seat, and/or its component part(s) deviated from the design specifications, formulae or performance standards of the manufacturer or from otherwise identical units manufactured to the same manufacturing specifications or formulae and/or it/they failed to contain adequate warnings or instructions; and/or it/they was/were designed in a defective manner.

5. As a direct and proximate result of the aforesaid conduct of the defendant, Dorel, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Dorel Juvenile Group, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

SEVENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Sixth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale,

distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Dorel, breached the express warranties created pursuant to N.J.S.A. 12A:2-313.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Dorel, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Dorel Juvenile Group, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

EIGHTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Seventh Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Dorel, breached the

implied warranty of merchantability created pursuant to N.J.S.A.
12A:2-314.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Dorel, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Dorel Juvenile Group, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

NINTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Eighth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Dorel, breached the implied warranty of fitness for a particular purpose created pursuant to N.J.S.A. 12A:2-315.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Dorel, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Dorel Juvenile Group, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Ninth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. The foregoing conduct/omissions by defendant, Dorel, were done so with knowledge of a high degree of probability of harm and reckless knowledge of a high degree of probability of harm and reckless indifference to the consequences of said conduct/omissions, which conduct/omissions resulted in the death of the infant plaintiff.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the

defendant, Dorel Juvenile Group, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

ELEVENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Tenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. Defendant, Coscos, Inc., a body corporate, (hereinafter "Coscos"), designed, manufactured, installed, altered, assembled, sold, distributed, marketed, inspected and tested the infant safety seat in which the deceased infant was sitting at the time and place of the accident aforesaid.

3. By virtue of the facts and circumstances surrounding the design, manufacture, installation, assembly, sale, distribution, marketing, inspection, testing, caring for, maintenance, lack of warning and/or repair of said infant safety seat, defendant, Coscos, is strictly liable in tort as the product(s) causing the harm was/were not reasonably fit, suitable or safe for its/their intended purpose(s).

4. Said infant safety seat, and/or its component part(s) deviated from the design specifications, formulae or performance standards of the manufacturer or from otherwise identical units

manufactured to the same manufacturing specifications or formulae and/or it/they failed to contain adequate warnings or instructions; and/or it/they was/were designed in a defective manner.

5. As a direct and proximate result of the aforesaid conduct of the defendant, Coscos, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Coscos, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TWELFTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Eleventh Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat,

and/or its component part(s), defendant, Coscos, breached the express warranties created pursuant to N.J.S.A. 12A:2-313.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Coscos, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Coscos, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

THIRTEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Twelfth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Coscos, breached the implied warranty of merchantability created pursuant to N.J.S.A. 12A:2-314.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Coscos, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Coscos, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

FOURTEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Thirteenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Coscos, breached the implied warranty of fitness for a particular purpose created pursuant to N.J.S.A. 12A:2-315.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Coscos, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Coscos, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

FIFTEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Fourteenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. The foregoing conduct/omissions by defendant, Coscos, were done so with knowledge of a high degree of probability of harm and reckless knowledge of a high degree of probability of harm and reckless indifference to the consequences of said conduct/omissions which conduct/omissions resulted in the death of the infant plaintiff.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased

infant, Jacqueline Nicole Viets, demand judgment against the defendant, Coscos, Inc., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

SIXTEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Fifteenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. Defendant, Target Corp., a body corporate, (hereinafter "Target"), designed, manufactured, installed, altered, assembled, sold, distributed, marketed, inspected and tested the infant safety seat in which the deceased infant was sitting at the time and place of the accident aforesaid.

3. By virtue of the facts and circumstances surrounding the design, manufacture, installation, assembly, sale, distribution, marketing, inspection, testing, caring for, maintenance, lack of warning and/or repair of said infant safety seat, defendant, Target, is strictly liable in tort as the product(s) causing the harm was/were not reasonably fit, suitable or safe for its/their intended purpose(s).

4. Said infant safety seat, and/or its component part(s) deviated from the design specifications, formulae or performance standards of the manufacturer or from otherwise identical units manufactured to the same manufacturing specifications or formulae and/or it/they failed to contain adequate warnings or instructions; and/or it/they was/were designed in a defective manner.

5. As a direct and proximate result of the aforesaid conduct of the defendant, Target, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Target Corp., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

SEVENTEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Sixteenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Target, breached the express warranties created pursuant to N.J.S.A. 12A:2-313.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Target, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Target Corp., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

EIGHTEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Seventeenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale,

distribution, marketing, inspection, testing, caring for, lack of warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Target, breached the implied warranty of merchantability created pursuant to N.J.S.A. 12A:2-314.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Target, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Target Corp., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

NINETEENTH COUNT

1. Plaintiffs repeat the allegations contained in the First through Eighteenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, lack of

warning, maintenance, and/or repair of said infant safety seat, and/or its component part(s), defendant, Target, breached the implied warranty of fitness for a particular purpose created pursuant to N.J.S.A. 12A:2-315.

3. As a direct and proximate result of the aforesaid conduct of the defendant, Target, plaintiffs were caused to experience pain/suffering and consequential death.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Target Corp., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TWENTIETH COUNT

1. Plaintiffs repeat the allegations contained in the First through Nineteenth Counts of this Complaint, and make them a part hereof as if more specifically set forth at length herein.

2. The foregoing conduct/omissions by defendant, Target, were done so with knowledge of a high degree of probability of harm and reckless knowledge of a high degree of probability of harm and reckless indifference to the consequences of said

conduct/omissions which conduct/omissions resulted in the death of the infant plaintiff.

WHEREFORE, plaintiffs, Melissa M. Viets, Russell S. Viets, individually, and as Administrator ad Prosequendum of deceased infant, Jacqueline Nicole Viets, demand judgment against the defendant, Target Corp., a body corporate, for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

DEMAND FOR JURY

Plaintiffs hereby demand a trial by jury as to all issues of the within Complaint.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, plaintiffs hereby designate MICHAEL E. WILBERT, ESQ. as trial counsel in the within matter.

CERTIFICATION PURSUANT TO R. 4:5-1(b)(2)

I hereby certify that the within matter in controversy is not the subject of any other action pending in any court, or of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated at this time and there are no other parties who should be joined in this action.

I further certify that I am aware of the continuing obligation during the course of this litigation to file and

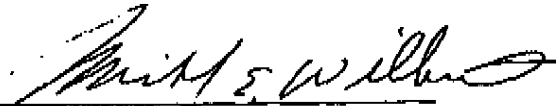
serve on all other parties and with the court an amended certification if there is a change in the facts stated herein.

DEMAND FOR INSURANCE INFORMATION

Pursuant to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on insurance business may be liable to satisfy part or all of a judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment.

DATED:

June, 29, 2006


MICHAEL E. WILBERT
Attorney for Plaintiffs